REMARKS

Claims 1, 2, 4, 5, 7-10 and 12 are presented for consideration, with Claims 1 and 9 being independent.

Independent Claims 1 and 9 have been amended to further distinguish Applicants' invention from the cited art.

The amendments to the claims were not presented earlier as it was believed that the previously presented claims would be found allowable. This Amendment does not add any additional claims. Moreover, the Examiner's familiarity with the subject matter of the present application will allow an appreciation of the significance of the amendments herein without undue expenditure of time and effort. Finally, the Amendment does not raise new issues requiring further consideration or search. Accordingly, it is submitted that entry of the Amendment is appropriate.

Claims 1 and 9 are rejected under 35 U.S.C. §103 as allegedly being obvious over Ward '424, Abe (JP '889) and Sumikawa '817. Additionally, Claims 1, 2, 4, 5, 7 and 9-12 stand rejected as allegedly being obvious over Dimitrova '124 in view of Abe and Sumikawa. Finally, Claim 8 is rejected as allegedly being obvious over Dimitrova in view of Sumikawa, Abe and Ward. These rejections are respectfully traversed.

Claim 1 of Applicants' invention relates to an image processing apparatus comprised of an input unit for inputting first image data and icon image data, a determining unit for determining a display position of the icon image, and a display control unit for superimposing

one of the first image and the icon image on the other and displaying the first and icon images on a monitor such that the icon image is positioned in the display position determined by the determining unit. The determining unit determines successively a plurality of display positions different from each other as display positions of the icon image according to a predetermined shift pattern selected among a plurality of shift patterns based on an accumulated display time at each shift pattern, and wherein the plurality of display positions are within a range of 1 to 5 pixels from a predetermined position.

Claim 9 relates to an image processing method and corresponds to Claim 1. Claim 9 has thus been amended to recite the step of determining successively a plurality of display positions different from each other as display positions of the icon image according to a predetermined shift pattern selected among a plurality of shift patterns based on an accumulated display time at each shift pattern.

Support for the claim amendments can be found, for example, in Figures 5-8 and the accompanying specification beginning on page 17, line 7. In accordance with Applicants' claimed invention, a high performance image processing apparatus and method is provided.

The primary citation to Ward relates to a system for modifying advertisement information on a display. A television screen 10 includes Picture-In-Picture (PIP) windows 12, 14 and 16 (see Figure 1). The PIP windows can be moved on the screen by use of a remote controller 26.

The primary citation to Dimitrova relates to television receiver having a "smart" Picture-In-Picture (PIP). A controller 26 analyzes content of a video signal forming a main picture and can automatically adjust the size and position of the PIP image so it does not obscure an important portion of the main picture.

The secondary citation to Abe relates to a display controller having a screen saver with a screen burning prevention function. The Office Action relies on Abe for teaching that a dynamic image window 42 changes at every frame based on random numbers.

The tertiary citation to Sumikawa relates to a display apparatus and is used for its teaching of a second window positioned at a certain other position with respect to the cursor.

The Office Action asserts that the primary citations to Ward and Dimitrova teach the limitations of Applicants' independent claims and relies on the Abe reference because it provides an automatic program control instead of a task to be performed by the user. The Office Action asserts that it would have been obvious that the techniques of Abe's system to automatically resize and reposition windows could be used with the Ward or Dimitrova systems so that the windows are resized, repositioned, etc., automatically until the user sees a combination that is ideal for their taste and preferences.

In contrast to Applicants' claimed invention, however, none of the cited art, including Abe, teaches or suggests, among other features, determining successively a plurality of icon image display positions different from each other according to a predetermined shift pattern selected among a plurality of shift patterns based on an accumulated display time at each shift

pattern. As discussed above, the dynamic image window 42 in Abe is changed at every frame based on random numbers, and even if Abe is read to teach determining shift patterns in a "pseudo-random" manner as asserted in the Office Action, such shift patterns are not based on an accumulated display time at each shift pattern. These deficiencies are not compensated for by the other citations, as both primary citation to Ward and Dimitrova are directed to PIP displays designed to move the PIP for the purpose of repositioning and resizing it to avoid overlapping certain images. The tertiary citation to Sumikawa shows a display in which a window is moved based on user manipulation.

Accordingly, without conceding the propriety of combining the art in the manner proposed in the Office Action, such combinations still fail to teach or suggest Applicants' claimed invention. Therefore, reconsideration and withdrawal of the rejections under 35 U.S.C. §103 are deemed to be in order and such action is respectfully requested.

Therefore, it is submitted that Applicants' invention as set forth in independent Claims 1 and 9 is patentable over the cited art. In addition, dependent Claims 2, 4, 5, 7, 8, 10 and 12 set forth additional features of Applicants' invention. Independent consideration of the dependent claims is respectfully requested.

In view of the foregoing, reconsideration and allowance of this application is deemed to be in order and such action is respectfully requested.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

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